

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MULTI-VET LTD.,

**Plaintiff and
Counterclaim Defendant,**

V.

PREMIER PET PRODUCTS, LLC,

**Defendants and
Counterclaim Plaintiff.**

Civil Action No. 08-cv-03251

Declaration of Evan Wooton in Support of Premier's Motion for a Preliminary Injunction

**DECLARATION OF EVAN WOOTON IN SUPPORT OF DEFENDANT’S
MOTION FOR A PRELIMINARY INJUNCTION**

1. My name is Evan Wooton. I am the President and an owner of Premier Pet Products, LLC, (“Premier”). I have personal knowledge of the facts stated in this declaration, and if called upon, could so testify.

2. I submit this declaration in support of Premier's motion to ask this Court to prohibit any further sale by Plaintiff and Counterclaim Defendant Multi-Vet, Ltd. ("Multi-Vet"), of its "Gentle Spray" anti-bark collar in the United States until there can be a final adjudication on the merits of legal disputes between Premier and Multi-Vet.

3. I traveled to Canada on May 20, 2008 to meet with Roger Garon of Multi-Vet. The purpose of that meeting was to resolve ongoing conflicts between Premier and

Multi-Vet in an open and friendly way.

4. After my meeting with Roger Garon, I discovered through an Internet search on www.google.com that Multi-Vet had begun selling anti-bark collars to the United States under the GENTLE SPRAY name and packaging.


5. We also just discovered that Multi-Vet is attempting to steal even more of Premier's intellectual property and good will by applying to register a Canadian trademark for SPRAY SENSE, which is a mark created earlier in 2008 by Premier and was communicated to Multi-Vet.

6. During settlement negotiations with Multi-Vet, I sent their counsel photographs of the SPRAY SENSE mark on March 17, 2008. Multi-Vet apparently took Premier's "Spray Sense" brand and has filed an application to register it as a trademark in Canada, based on its proposed use.

7. Multi-Vet has also recently filed an application to register SPRAY SENTRY as a trademark in Canada. SPRAY SENSE and SPRAY SENTRY are both marks currently used by Premier in the U.S. and Canada for some of its spray products.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

June 9, 2008
Date


Evan Wooton